

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 205**  
FINAL READING

Introduced by Schmitt, 41

Read first time January 11, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Law Enforcement Training  
2 Center; to amend sections 81-1401, 81-1412, 81-1412.01,  
3 and 81-1412.02, Revised Statutes Supplement, 1998; to  
4 change provisions relating to handgun qualification; to  
5 define a term; to provide duties; and to repeal the  
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-1401, Revised Statutes Supplement,  
2 1998, is amended to read:

3           81-1401. For purposes of sections 81-1401 to 81-1414,  
4 unless the context otherwise requires:

5           (1) Commission means the Nebraska Commission on Law  
6 Enforcement and Criminal Justice;

7           (2) Council means the Nebraska Police Standards Advisory  
8 Council;

9           (3) Handgun means any firearm with a barrel less than  
10 sixteen inches in length or any firearm designed to be held and  
11 fired by the use of a single hand;

12           (4) Law enforcement agency means the police department or  
13 the town marshal in incorporated municipalities, the office of  
14 sheriff in unincorporated areas, and the Nebraska State Patrol;

15           ~~(4)(a)~~ (5)(a) Law enforcement officer means any person  
16 who is responsible for the prevention or detection of crime or the  
17 enforcement of the penal, traffic, or highway laws of the state or  
18 any political subdivision of the state for more than one hundred  
19 hours per year and is authorized by law to make arrests and  
20 includes, but is not limited to:

21           (i) A full-time or part-time member of the Nebraska State  
22 Patrol;

23           (ii) A county sheriff;

24           (iii) A full-time or part-time employee of a county  
25 sheriff's office;

26           (iv) A full-time or part-time employee of a municipal or  
27 village police agency; or

28           (v) A full-time employee of an organized and paid fire

1 department of any city of the metropolitan class who is an  
2 authorized arson investigator and whose duties consist of  
3 determining the cause, origin, and circumstances of fires or  
4 explosions while on duty in the course of an investigation; but

5 (b) Law enforcement officer does not include employees of  
6 the Department of Correctional Services, probation officers under  
7 the Nebraska Probation System or appointed under section 43-2,123,  
8 parole officers appointed by the Parole Administrator, or employees  
9 of the Department of Revenue under section 77-366;

10 ~~(5)~~ (6) Director means the director of the Nebraska Law  
11 Enforcement Training Center; and

12 ~~(6)~~ (7) Training center means the Nebraska Law  
13 Enforcement Training Center.

14 Sec. 2. Section 81-1412, Revised Statutes Supplement,  
15 1998, is amended to read:

16 81-1412. (1) In order to maintain proficiency in ~~firearm~~  
17 handgun operation, a law enforcement officer shall qualify at least  
18 once every calendar year with a handgun of the same make and model  
19 as the handgun which is the primary handgun to be carried by the  
20 law enforcement officer while on duty. Such qualification shall  
21 take place on a ~~firearm~~ handgun shooting course approved submitted  
22 by the director and approved by the council.

23 (2) Qualification on a ~~firearm~~ handgun shooting course  
24 shall be conducted by a qualified firearm instructor pursuant to  
25 rules and regulations adopted and promulgated by the ~~training~~  
26 ~~center~~ council. Law enforcement agencies that do not have a  
27 qualified firearm instructor may share qualification with other law  
28 enforcement agencies that have a qualified firearm instructor or

1 may utilize the Nebraska Association of Law Enforcement Firearm  
2 Instructors which may, at no cost, assist such law enforcement  
3 agencies by supplying a qualified firearm instructor for a ~~firearm~~  
4 handgun shooting course. The ~~director~~ council shall adopt and  
5 promulgate rules and regulations for requalification for the case  
6 in which a law enforcement officer fails to qualify. ~~The peace~~  
7 ~~officer status of a law enforcement officer who fails to qualify~~  
8 ~~shall be determined by the director~~ The council shall adopt and  
9 promulgate rules and regulations that address the status of a law  
10 enforcement officer and his or her limitations, if any, if the law  
11 enforcement officer fails the handgun qualification. The council  
12 shall adopt and promulgate rules and regulations whereby the  
13 council may grant a waiver of the handgun qualification and  
14 determine the status and, if any, limitations of, a law enforcement  
15 officer in cases in which the law enforcement officer demonstrates  
16 an extreme hardship.

17 (3) Each law enforcement agency shall maintain its own  
18 records as to the ~~firearm~~ handgun qualifications of its law  
19 enforcement officers.

20 Sec. 3. Section 81-1412.01, Revised Statutes Supplement,  
21 1998, is amended to read:

22 81-1412.01. The minimum ~~firearm~~ handgun qualification  
23 test shall consist of a ~~firearm~~ handgun shooting course requiring  
24 the firing of fifty rounds of ammunition for completion of the  
25 course and the ~~firearm~~ handgun shooting course prescribed target  
26 shall be the Federal Bureau of Investigation's "Q" target. The  
27 target shall be fired upon at a distance or at distances prescribed  
28 by the ~~training center~~ council. The method of scoring on the

1 ~~firearm handgun~~ shooting course shall be "pass/fail". "Pass" means  
2 a score of seventy percent or higher. A law enforcement officer  
3 participating in the minimum ~~firearm handgun~~ qualification test  
4 shall use the ~~firearm or firearms~~ a handgun of the same make and  
5 model as the handgun which he or she will be authorized to use  
6 while on duty. The council shall adopt and promulgate rules and  
7 regulations governing the handguns to be used in the handgun  
8 qualification when a law enforcement officer is not authorized to  
9 use a handgun on duty.

10 Sec. 4. Section 81-1412.02, Revised Statutes Supplement,  
11 1998, is amended to read:

12 81-1412.02. ~~The person in charge of the law enforcement~~  
13 ~~agency which employs the law enforcement officer shall submit to~~  
14 ~~the training center a register of the law enforcement officers who~~  
15 ~~have passed firearm qualification~~ The person in charge of any  
16 agency employing law enforcement officers as defined in section  
17 81-1401 shall submit to the council a register of full-time,  
18 part-time, and reserve law enforcement officers employed by his or  
19 her agency and whether each law enforcement officer passed or  
20 failed the handgun qualification. The council shall adopt and  
21 promulgate rules and regulations governing the submission of agency  
22 registers. The register shall include the name of ~~each the~~  
23 ~~qualified~~ law enforcement officer, whether the law enforcement  
24 officer passed or failed the handgun qualification, the name of the  
25 instructor who administered the course, the date of ~~firearm handgun~~  
26 qualification, and the type of ~~firearm handgun~~  
27 handgun qualification. An agency that fails to submit a handgun  
28 qualification register pursuant to this section shall be subject to

1 a fine of one hundred dollars for each day of noncompliance. All  
2 finest collected under this section shall be remitted to the State  
3 Treasurer for credit to the Law Enforcement Improvement Fund.

4           Sec. 5. Original sections 81-1401, 81-1412, 81-1412.01,  
5 and 81-1412.02, Revised Statutes Supplement, 1998, are repealed.